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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,961	04/15/2004	Dennis W. Minium JR.	MS307028.1/MSFTP636US	7470

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EXAMINER	
HOFFLER, RAHEEM	
ART UNIT	**PAPER NUMBER**
2165	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,961	MINIUM ET AL.	
	Examiner	Art Unit	
	Raheem Hoffler	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *23 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) *2,17,18 and 29* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-16,19-28 and 30-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Response to Amendment

1. The Office Action has been issued in response to amendment filed 23 January 2007. Claims 1-32 are pending. Claims 2, 17, 18, and 29 are withdrawn from consideration. Applicant's arguments have been carefully and respectfully considered in light of the instant amendment, and are not persuasive. Accordingly, this action has been made FINAL.

Claim Rejections – 35 USC 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As to Claims 1-15, the claimed invention is directed to non-statutory subject matter. Claims 1-15 appear to claim software 'per se'. The term "components" is referred a "software components". Software is not considered to be any new and useful process, machine, manufacture or composition of matter.

"Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the

computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035."

As to Claims 1, 11, 16, and 28, the claimed invention is directed to non-statutory subject matter. Claims 1, 11, 16, and 28 of the claimed invention provide no tangible result. For example, the result of "classifying", "notifying", "maintaining", and "generating" claimed is not stored, sent, displayed, or otherwise used in the instant claims. It is suggested that a limitation be added to the instant claims in which an act of storing, displaying, or the like is utilized, providing a tangible result.

Claim Rejections – 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-7, 9-12, 14-18, 20-21, and 23-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gargi et al (USPG-Pub No. 20050027712A1).

As for Claim1, Gargi et al teaches of a distributed classification system comprising a plurality of software components (see Fig. 15; e.g., object types; (see paragraph [0096][0105][0113])) and a classification component that couples software components to a common classification structure (see Fig. 13 (12); e.g., object manager; (see paragraph [0038-0039][0043][0045-0047][0049][0103-0104])).

As for Claim 11, Gargi et al teaches a software tool interaction system comprising a means for generating a common classification scheme amongst a plurality of unrelated software tools (see Fig. 15; e.g., object types; (see paragraph [0096][0105][0113])) and a means for maintaining the common classification scheme to provide a foundation for a cohesive user experience (see Fig. 17 (120); e.g., Business Process Cockpit; (see paragraph [0043][0110][0112] and [0114])).

As for Claim 16, Gargi et al teaches a common classification methodology comprising generating one or more taxonomies (e.g., segmentation engine; (see paragraph [0045][0046][0047] and [0049])), maintaining the taxonomies to facilitate interaction with taxonomy artifacts by a plurality of unrelated tools (see paragraph [0043[0044][0047] and [0049]).

As for Claim 28, Gargi et al teaches a common enterprise classification scheme methodology comprising instantiating a common structure based on a structure type (see Fig. 15; e.g., object types; (see paragraph [0096][0105][0113])); exposing the

common structure amongst a plurality of unrelated tools to provide a foundation for a cohesive user experience (see Fig. 8; (see paragraph [0043][0080])).

As for Claim 2, Gargi et al teaches the classification structure comprising node types and structural constraints ((see Fig. 16 (60); e.g., classification nodes; see paragraph [0106][0107])).

As for Claim 3, Gargi et al teaches the classification structure is hierarchical (see Fig. 8; e.g., XML; see paragraph [0012]).

As for Claim 4, Gargi et al teaches the software components are associated with classification nodes (see Fig. 16 (60); see paragraph [0106][0107]).

As for Claim 6, Gargi et al clearly teaches a graphical user interface is employed by a user to classify software components (see paragraph [0042][0081][0083] and [0084]).

As for Claim 7, Gargi et al clearly teaches a user drags and drops components onto a classification node (see Fig. 2 (164) e.g., layout engine; see paragraph [0085]).

As for Claim 9, Gargi et al clearly teaches a notification component that notifies consumers of the common structure of proposed changes to the structure to give them

an opportunity to veto the change (see Fig. 16 (62-78); (see paragraph [0107][0108][0112] and [0114])).

As for Claim 10, Gargi et al clearly teaches a notification component that alerts consumers of the common structure of a change (see Fig. 16 (62-78); (see paragraph [0107][0108][0112] and [0114])).

As for Claim 12, Gargi et al clearly teaches of a user generating a classification scheme employing a graphical user interface (see paragraph [0042][0081][0083] and [0084]) to drag and drop artifacts onto classification nodes (see Fig. 2 (164) e.g., layout engine; see paragraph [0085]).

Claims 14 and 15 differ from Claims 9 and 10 in that claims 14 and 15 are software tool interaction system whereas claims 9 and 10 are classification system claims. Thus, claims 14 and 15 are analyzed as previously discussed with respect to claims 9 and 10 above.

Claims 17 and 18 differ from Claims 2 and 3 in that claims 17 and 18 are method claims whereas claims 2 and 3 are system claims. Thus, claims 17 and 18 are analyzed as previously discussed with respect to claims 2 and 3 above.

Claims 20 and 21 differ from Claims 6 and 7 in that claims 20 and 21 are method claims whereas claims 6 and 7 are system claims. Thus, claims 20 and 21 are analyzed as previously discussed with respect to claims 6 and 7 above.

As for Claim 23, Gargi et al teaches maintaining the taxonomies (e.g., clusters or groups; see paragraph [0049]) includes notifying a user or owner of classifiable artifacts of changes to the taxonomy (see Fig. 16 (64); see paragraph [0107]).

As for Claim 24, Gargi et al teaches a before change event is raised prior to a change to provide owners with an opportunity to veto proposed changes (Fig. 16 (62-78); (see paragraph [0107][0108][0112] and [0114])).

As for Claim 25, Gargi et al teaches an after change event is raised to all owners to enable them to reflect a change that has been completed (Fig. 16 (62-78); (see paragraph [0107][0108][0112] and [0114])).

As for Claim 26, Gargi et al clearly teaches the taxonomy is represented in XML (see paragraph [0043]).

As for Claim 27, Gargi et al teaches a computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 16 (see

paragraph [0041]).

Claim 29 differs from claims 2 and 17 in that claim 29 is a common enterprise classification scheme method whereas claim 2 is a system and claim 17 is a common classification method claim. Thus, claim 29 is analyzed as previously discussed with respect to claims 2 and 17 above.

Claim 30 differs from claims 6 and 20 in that claim 30 is a common enterprise classification scheme method whereas claim 6 is a system and claim 20 is a common classification method claim. Thus, claim 30 is analyzed as previously discussed with respect to claims 6 and 20 above.

As for Claim 31, Gargi et al clearly teaches requesting consent from consumers of the common structure to proposed changes to the structure (see Fig. 16 (62-78); (see paragraph [0107][0108][0112] and [0114])).

As for Claim 32, Gargi et al clearly teaches a computer readable medium having stored thereon computer executable instructions for carrying out the method of claim 28 (see paragraph [0041]).

Claim Rejection – 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5, 8, 13, 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gargi et al (USPG-Pub No. 20050027712A1) in view of Omoigui et al (USPG-Pub No. 20030126136A1).

As for Claim 5, Gargi et al teaches of organizing a collection of objects through the use of a hierarchical structure consisting of object types, classification nodes, a graphical user interface, and a segmentation engine (e.g., taxonomy engine). Gargi et al fails to explicitly teach of a globally unique identifier (GUID) being incorporated into his art. Omoigui et al teaches of a globally unique identifier (see paragraph [0982]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined a globally unique identifier as taught by Omoigui et al with the organizing a collection of objects as taught by Gargi et al because it is a preferable file naming method, as made hackneyed in the state of the art. (Omoigui et al (USPG-Pub No. 20030126136A1); see paragraph [0982]).

As for Claim 8, Gargi et al teaches of the classification component utilizing statistical analysis related to artificial intelligence to couple software components to the common structure (see Fig. 17 (120); e.g., Business Process Cockpit; (see paragraph [0043][0110][0112] and [0114])). Gargi et al fails to explicitly recite the limitation of heuristics. Omoigui et al teaches heuristics to couple software components to a common structure (see paragraph [0622][1048]).

Claim 13 differs from Claim 8 in that claim 13 is a software tool interaction system whereas claim 8 is a classification system claim. Thus, claim 13 is analyzed as previously discussed with respect to claim 8 above.

As for Claim 19, Gargi et al teaches of node (e.g., classification nodes; see paragraph [0106][0107]) in a taxonomy (e.g., object cluster or group; see paragraph [0049]). Gargi et al fails to explicitly teach of a globally unique identifier (GUID) being incorporated into his art. Omoigui et al teaches of a globally unique node identifier (see paragraph [0982]).

Claim 22 differs from Claims 8 and 13 in that claim 22 is a method claims whereas claim 8 is a distributed classification and claim 13 is a software tool interaction system claim. Thus, claim 22 is analyzed as previously discussed with respect to claims 8 and 13 above.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3-16, 19-28, & 30-32 have been fully considered but are not persuasive in view of the original grounds of rejection.

With respect to applicant's argument that:

"... amended independent claim 1 recites a computer readable distributed classification system having computer executable components', comprising a plurality of software components" and a classification component that couples software components to a common classification structure based on a structure type and comprising structure type class, node types and structural constraints, the structural constraints define the permissible parent-child relationship between the various node types. Independent claims 11, 16 and 28 recite similar limitations. Gargi et al. fails to teach or suggest such novel features recited in the subject claims."

Examiner is not persuaded. The above argument is not persuasive because the relied upon reference of Gargi et al teaches of a segmentation engine, equivalent to Applicant's teachings of a classification component, that organizes information of various types in clusters or groups. These clusters or groups are stored in respective folders that are classified according to metadata that is associated with those clusters, defining the type of data stored therein including, for example, type class, node type, and structural constraints. A folder based tree structure exemplifies the parent-child relationship between objects of the cluster or group (see paragraph [0079], [0080], [0096]).

With respect to applicant's argument that:

"...the nodes taught by Gargi et al. describe an activity performed by the process and is not part of the structure, nor can be assembled into a list or hierarchy as taught by applicants' subject claims. Thus, Gargi et al. is silent regarding coupling software components to a common classification structure based on a structure type and comprising structure type class, node types and structural constraints, the structural constraints define the permissible parent-child relationship between the various node types as recited by the amended subject claims."

Examiner is not persuaded. The above argument is not persuasive because the relied upon reference of Gargi et al teaches of clusters or groups are stored in respective folders that are classified according to metadata that is associated with those clusters, defining the type of data stored therein including, for example, type class, node type, and structural constraints (see paragraph [0079], [0080], [0096]). Examiner maintains that the permissible parent-child relationship between various objects is taught within Gargi et al. Process Definers also teach of parameters or structural constraints that define processes as "a collection of nodes, services, and input and output parameters" and "includes an indication of the way in which the nodes are interconnected" (see paragraph [0109]).

With respect to applicant's argument that:

"...Gargi et al. is silent regarding a common classification structure based on a structure type and comprising structure type class, node types and structural constraints, the structural constraints define the permissible parent-child relationship between the various node types. Omoigui et al. is also silent regarding this novel limitation of the subject claims and therefore does not make up for the aforementioned deficiencies of Gargi et al. with respect to independent claims 1, 11 and 16."

Examiner is not persuaded and maintains that the combination of Gargi et al and Omoigui et al 's teachings of the classification of objects within a cluster joined with the retrieval, management, and presentation of those objects is equivalent to Applicant's teachings of distributed object classification.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raheem Hoffler whose telephone number is (571) 270-1036. The examiner can normally be reached on 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RH

Raheem Hoffler

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PRIMARY EXAMINER